



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, MARCH 6, 2018

455 EAST CALAVERAS BOULEVARD, MILPITAS, CA

6:00 P.M. (CLOSED SESSION)

7:00 P.M. (PUBLIC BUSINESS)

SUMMARY OF CONTENTS

- I. **CALL MEETING TO ORDER** by Mayor and **ROLL CALL** by City Clerk
- II. **ADJOURN TO CLOSED SESSION** (6:00 PM)
 - (a) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(d)(1)
Tom Williams v. City of Milpitas, et al. - Santa Clara County Superior Court Case No. 17CV309235
 - (b) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(d)(1)
First Amendment Coalition v. City of Milpitas – Santa Clara County Superior Court Case No. 17CV310994
 - (c) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(d)(1)
Tom Williams v. City of Milpitas, et al. - American Arbitration Case No. 01-17-0003-5823
- III. **CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present
- IV. **PLEDGE OF ALLEGIANCE** (7:00 p.m.)
- V. **INVOCATION** (Councilmember Nuñez)
- VI. **PRESENTATIONS**
 - Swear in New City Manager Julie Edmonds-Mares
 - Proclaim March 2018 as *Youth Arts Month*
 - Proclaim the week of March 12 as *Science Fair Week*
- VII. **PUBLIC FORUM**

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

- VIII. **ANNOUNCEMENTS**

IX. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

X. APPROVAL OF AGENDA

XI. CONSENT CALENDAR

Consent Calendar items are considered to be routine and will be considered for adoption by one motion of the City Council. The City Manager will indicate any matters not eligible for consent. City Councilmembers shall either (a) state the agenda items they want placed on the Consent list, or (b) declare that they do not have any items for consent. From the dais, Council will then vote to approve all items going onto Consent Calendar and move to approve the listed items in one motion.

Any items not placed on Consent Calendar will be discussed in the order in which they appear on the agenda.

- 1. Accept Schedule of Meetings/City Council Calendar for March 2018**
- 2. Approve City Council Meeting Minutes of February 20, 2018 (Staff Contact: Mary Lavelle, 408-586-3001)**

XII. PUBLIC HEARING

- 3. Conduct a Public Hearing and Consider Adopting a Resolution to Deny Appeal of Planning Commission Decision to Approve Conditional Use Permit No. UP17-0017 to Allow a 2,904 Square Foot Grocery Store Within an Existing Commercial Building at 380 S. Main Street in the Midtown Specific Plan Area (Staff Contact: Adrienne Smith, 408-586-3287)**

XIII. UNFINISHED BUSINESS

- 4. Per Request of Councilmember Barbadillo, Consider Approving More than 4 Hours of Staff Time to Direct Staff to Conduct a Study on Retail and Commercial Spaces in the MidTown and Transit Area Specific Plan Areas (Contact: Councilmember Barbadillo, 408-586-3024)**
- 5. Per Request of Councilmember Barbadillo, Hear Proposal to Make Main Street Zoned Commercial-Only (Contact: Councilmember Barbadillo, 408-586-3024)**

XIV. REPORTS OF OFFICERS

- 6. Per Request of Councilmember Barbadillo, Authorize More than 4 Hours of Staff Time to Analyze Potential Affordable Housing Options on Existing Developed Land (Contact: Councilmember Barbadillo, 408-586-3024)**
- 7. Per Request of Councilmember Nuñez, Authorize More than 4 Hours of Staff Time to Analyze Request for a Letter of Support for the City of San Jose City Council's Opposition to a Proposed Land Use Ballot Measure Regarding Evergreen Senior Housing (Contact: Councilmember Nuñez, 408-586-3023)**

XV. NEW BUSINESS

- 8. Authorize a Budget Appropriation of \$18,392 for Emergency Vehicle Operations Course (EVO) Training into the Milpitas Police Department's Operating Budget (Staff Contact: Daryl Sequeira, 408-586-2434)**

9. **Consider Directing Staff to Submit a Letter Requesting the Bay Area Air Quality Management District Not Approve the Landfill Vertical Expansion Permit Application Permit for the Newby Island Landfill (Contact: Steve Erickson, 408-586-3301)**

XVI. ORDINANCE

10. **Introduce Ordinance No. 295 to Amend Sections III-1-7.01 III-1-8.01, III-1-10.04 and III-1-14.01 of Chapter 1 of Title III of the Milpitas Municipal Code Relating to Denial, Suspension or Revocation of City Business Licenses for Wage Theft and Other Violations of Law and Updating Administrative Appeal and Hearing Procedures for Business Licenses (Staff Contact: Edesa Bitbadal, 408-586-3052)**

XVII. RESOLUTIONS

11. **Adopt a Resolution Authorizing the City Manager to Execute a Grant Agreement with County of Santa Clara, and to Approve a Budget Appropriation of Grant Funds in an Estimated Amount of \$62,958 for the Alviso Adobe, Phase 5 Interior Restoration, Project No. 5055 (Staff Contact: Steve Erickson, 408-586-3301)**
12. **Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon, Project No. 9493 (Staff Contact: Steve Erickson, 408-586-3301)**
13. **Adopt a Resolution Initiation Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch, Project No. 9492 (Staff Contact: Steve Erickson, 408-586-3301)**
14. **Adopt a Resolution Directing Staff to Fly the Vietnamese Heritage and Freedom Flag at Cesar Chavez Plaza and Approve More than 4 Hours of Staff Time to Host a Flag Raising Ceremony (Council Contact: Anthony Phan, 408-586-3032; Staff Contact: Renee Lorentzen, 408-586-3409)**

XVIII. REPORTS OF MAYOR & COUNCILMEMBERS – from assigned Commissions, Committees and Agencies

XIX. ADJOURNMENT

SPECIAL CITY COUNCIL MEETINGS

WEDNESDAY, MARCH 7, 2018 – CIP REVIEW

**WEDNESDAY, MARCH 21, 2018 – JOINT MEETING with
SANTA CLARA VALLEY WATER DISTRICT**

NEXT REGULAR CITY COUNCIL MEETING

TUESDAY, MARCH 20, 2018

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035 e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. All City Council agendas and related materials can be viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Current vacancies on:

- Arts Commission
- Bicycle Pedestrian Advisory Commission
- Community Advisory Commission
- Economic Development Commission
- Emergency Preparedness Commission
- Library Commission
- Parks, Recreation & Cultural Resources Commission
- Recycling & Source Reduction Advisory Commission
- Sister Cities Commission
- Veterans Commission
- Youth Advisory Commission

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

对中国人来说，请用 408-586-3263

Para sa mga Tagalog, tawagan 408-586-3051

Para español, llame 408-586-3232

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.

AGENDA REPORTS

XI. CONSENT CALENDAR

1. **Accept Schedule of Meetings/City Council Calendar for March 2018**

Recommendation: Receive Council calendar of meetings for the month of March, and note any changes or additions needed.

Attachment: March 2018 calendar

2. **Approve City Council Meeting Minutes of February 20, 2018 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: move to approve the minutes of the February 20, 2018 City Council meeting.

Attachment: Draft meeting minutes 02/20/2018

XII. PUBLIC HEARING

3. **Conduct a Public Hearing and Consider Adopting a Resolution to Deny Appeal of Planning Commission Decision to Approve Conditional Use Permit No. UP17-0017 to Allow a 2,904 Square Foot Grocery Store Within an Existing Commercial Building at 380 S. Main Street in the Midtown Specific Plan Area (Staff Contact: Adrienne Smith, 408-586-3287)**

Background: On November 29, 2017, the applicant submitted an application to the City of Milpitas seeking approval for a Conditional Use Permit to operate a 2,904 square foot grocery store in a former bakery and restaurant located within a multi-tenant commercial building. Located in the Mixed Use Zoning District and the Midtown Specific Plan area, the existing 7,000 square foot building was originally constructed in 1964 and is currently separated into four suites – three of which will have a hair salon, travel agency and dental office as tenants.

The application was determined to be consistent with General Plan Guiding Principles and Implementing Policies, the development standards and parking requirements of the Municipal Zoning Ordinance and the policies of the Midtown Specific Plan. Staff recommended the Planning Commission approve Conditional Use Permit No. UP17-0017 and adopt Resolution No. 18-003 to allow the applicant's request to operate a grocery store at 380 S. Main Street.

On January 24, 2018, the Planning Commission approved Conditional Use Permit No. UP17-0017 and adopted Resolution No. 18-003 to allow the applicant's request to operate a grocery store in the Midtown Specific Plan area. Commissioners voted five in favor, none opposed, and with 3 members absent.

On February 2, 2018, Councilmember Anthony Phan appealed the Planning Commission's decision on the basis that the application is one which should be reviewed and decided by the City Council in the interest of the City of Milpitas.

Planning staff recommends the City Council uphold the Planning Commission's approval of the Conditional Use Permit and deny the appeal. Staff assessed the appellant's statement of appeal and no new information has been presented that compels a different recommendation than the original recommendation for approval of the application. The requested Conditional Use Permit is consistent with the General Plan and meets all requirements of the Zoning Ordinance and the policies of the Midtown Specific Plan.

Fiscal Impact: None

Recommendations:

1. Conduct a public hearing and move to close it, following any comments.
2. Consider adopting a resolution to deny the appeal of the Planning Commission decision to approve Conditional Use Permit No. UP17-0017 to allow a 2,904 square foot grocery store within an existing commercial building located at 380 S Main Street in the Midtown Specific Plan Area.

Attachments:

- a) Resolution
- b) Notice of Appeal
- c) Planning Commission Staff Report 01/24/2018
- d) Adopted Planning Commission Resolution 18-003
- e) Planning Commission Meeting Minutes 01/24/2018
- f) Project Plans

XIII. UNFINISHED BUSINESS

4. **Per Request of Councilmember Barbadillo, Consider Approving More than 4 Hours of Staff Time to Direct Staff to Conduct a Study on Retail and Commercial Spaces in the MidTown and Transit Area Specific Plan areas (Contact: Councilmember Barbadillo, 408-586-3024)**

Recommendation: Hear request from Councilmember Barbadillo for staff to conduct a study on retail and commercial space in the MidTown and Transit Area Specific Plan areas, and approve staff spending more than four hours of time to complete the study.

Attachment: None

5. **Per Request of Councilmember Barbadillo, Hear Proposal to Make Main Street Zoned Commercial-Only (Contact: Councilmember Barbadillo, 408-586-3024)**

Recommendation: Hear request from Councilmember Barbadillo for his proposal to keep Main Street zoned for commercial uses.

Attachment: None

XIV. REPORTS OF OFFICERS

6. **Per Request of Councilmember Barbadillo, Authorize Four Hours or More of Staff Time to Analyze Potential Affordable Housing Options on Existing Developed Land (Contact: Councilmember Barbadillo, 408-586-3024)**

Background: At the City Council meeting on February 20, 2018, Councilmember Barbadillo made a request for a future agenda item to authorize more than four hours of staff time to allow for staff to bring back to Council the topic of affordable housing for discussion. In particular, Councilmember Barbadillo is seeking to better understand affordable housing options on existing developed land and those that are not associated with new construction.

Recommendation: Hear request from Councilmember Barbadillo, and consider authorizing more than four hours of staff time to analyze potential affordable housing options on existing developed land and direct staff, as appropriate.

Attachment: None

7. **Per Request of Councilmember Nuñez, Authorize More than 4 Hours of Staff Time to Analyze Request for a Letter of Support for the City of San Jose City Council's Opposition to a Proposed Land Use Ballot Measure Regarding Evergreen Senior Housing (Contact: Councilmember Nuñez, 408-586-3023)**

Recommendation: Hear request of Councilmember Nuñez and consider authorizing more than four hours of staff time to analyze his request for a letter of support for the City of San Jose City Council's opposition to a proposed land use ballot measure regarding Evergreen Senior Housing; and, direct staff, as appropriate.

Attachment: None

XV. NEW BUSINESS

8. **Authorize a Budget Appropriation of \$18,392 for Emergency Vehicle Operations Course (EVOC) Training into the Milpitas Police Department's Operating Budget (Staff Contact: Daryl Sequeira, 408-586-2434)**

Background: POST (Peace Officers Standards and Training) requires police officers to be trained in emergency vehicle operations every two years. The training requirements pertain to low speed and high speed driving. The Milpitas Police Department has been unable to find a suitable location within the City to provide this training in a safe manner. Our previous training sites are no longer available. The Alameda County Sheriff's Office has a facility in Dublin specifically for the use of emergency vehicle operation training. The training provided at this location satisfies POST requirements. On March 15, 2016, the City Council approved the budget appropriation and sole source request for the same training. There is no requirement for matching funds.

Fiscal Impact: None. The training cost of \$18,392 is reimbursable by POST.

Recommendation: Approve the budget appropriation in the amount of \$18,392 for Emergency Vehicle Operations Course (EVOC) training into the Police Department's Operating Budget.

Attachments:

- a) Memo
- b) Budget Change Form

9. **Consider Directing Staff to Submit a Letter Requesting the Bay Area Air Quality Management District Not Approve the Landfill Vertical Expansion Permit Application Permit for the Newby Island Landfill (Contact: Steve Erickson, 408-586-3301)**

Background: The Bay Area Air Quality Management District (BAAQMD) has received an application for a permit for the vertical expansion of the landfill located at 1601 W. Dixon Landing Road. The permit for the 125 foot expansion is under review by BAAQMD engineering staff, and will require several months to complete. The BAAQMD will accept comments from the public with regard to expansion permit. Comments may be submitted to the attention of the Permit Ombudsman, Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, CA 94105, PermitOmbusman@baaqmd.gov, and reference Facility No. 9013, Plant Reference A9013 and Application No. 28609.

Staff requests direction from the City Council for submitting a letter from City of Milpitas to BAAQMD requesting that the District not approve the request for the landfill expansion permit due to concerns with ongoing odor within the City of Milpitas.

Recommendation: Direct staff to draft a letter to Bay Area Air Quality Management District requesting the denial of the request to expand the landfill, and to continue monitoring the permit request submitted to BAAQMD.

Attachment: Draft letter

XVI. ORDINANCE

10. Introduce Ordinance No. 295 to Amend Sections III-1-7.01 III-1-8.01, III-1-10.04 and III-1-14.01 of Chapter 1 of Title III of the Milpitas Municipal Code Relating to Denial, Suspension or Revocation of City Business Licenses for Wage Theft and Other Violations of Law and Updating Administrative Appeal and Hearing Procedures for Business Licenses (Staff Contact: Edesa Bitbadal, 408-586-3052)

Background: On February 6, 2018, the City Council directed staff to draft a wage theft ordinance. Staff drafted the ordinance, which – if adopted - would allow the City to revoke the business license and/or issue administrative fines to any employer who refuses to pay its final court order or administrative action of an investigatory agency.

Wage theft is the denial of wages or employee benefits that are rightfully owed to an employee. Wage theft can be failure to pay overtime, minimum wage violations, employee misclassification, illegal deductions in pay, working off the clock, or not being paid at all. City wage theft policies could have a significant impact on those workers who are struggling to collect on owed wages and benefits.

The cities of San Francisco, Los Angeles and San Jose have adopted wage theft policies in addition to minimum wage laws. These policies allow cities to take action against those businesses which violate state or federal labor laws in addition to local minimum wage enforcement. City of Milpitas staff has had extensive conversations about wage theft policies with both the City of San Jose Office of Equality Assurance and City of San Francisco Office of Labor Standards Enforcement as well as the Santa Clara County Wage Theft Coalition.

If City Council decides to move forward, Milpitas will be the first municipality in the Bay Area to adopt a wage theft ordinance that covers all businesses. Changes in the proposed ordinance focus on creating procedures and due process to bring businesses into compliance. When a wage theft judgment or order is brought to the attention of City staff, staff will verify that the judgment/order is unsatisfied and then work closely with the employer to bring it into compliance by either paying the judgment/order in full or establishing a payment plan. Only when the employer fails to work with the City to resolve the issue will the City implement enforcement procedures as a last resort.

Should the Council introduce the wage theft ordinance, outreach will be conducted to business owners to educate them on the forthcoming ordinance. Staff will utilize several mediums, such as social media, city-wide newsletter, and direct mail to notice businesses before the adoption of the ordinance. Additionally, an informational mailer on Wage Theft is scheduled to be mailed with the next city-wide minimum wage noticing in June of 2018.

On March 22, upon second reading of the wage theft ordinance, the wage theft procurement policy will be introduced for City Council's approval.

Fiscal Impact: The primary fiscal impact is staff time to administer the ordinance and conduct outreach.

Recommendations:

1. Following the City Attorney's reading of the title of Ordinance No. 295 regarding wage theft, move to waive the first reading beyond the title.

2. Move to introduce Ordinance No. 295.

Attachment: Ordinance No. 295

XVII. RESOLUTIONS

11. **Adopt a Resolution Authorizing the City Manager to Execute a Grant Agreement with County of Santa Clara, and to Approve a Budget Appropriation of Grant Funds in an Estimated Amount of \$62,958 for the Alviso Adobe, Phase 5 Interior Restoration, Project No. 5055 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The Alviso Adobe Renovation project is included in the approved five year Capital Improvement Program. The project provides for the restoration of the interior of the historic Alviso Adobe home. The project meets the requirements for grant funding through the Santa Clara County Historical Heritage program. After review and consideration by the County Historical Heritage Commission, the Alviso Adobe Restoration Project has been found eligible to receive funding in the amount of \$62,958 for the FY 2018 grant cycle.

On June 20, 2017, Council authorized City staff to submit the grant application. However, the Santa Clara County Historical Heritage Commission requires Council adoption of a resolution specifically stating that the City Council delegates authority to the City Manager or designee to execute the grant agreement for this project. This delegation authority was not included in the original resolution adopted in 2017. The resolution has been revised to include the delegation of authority language, and staff requests the City Council to adopt this new resolution. City Council is also requested to authorize the City Manager to appropriate grant funds in the amount of \$62,958 for the Alviso Adobe Restoration Project.

Alternate: Failure to adopt the resolution, not submitting the grant application and agreement, would result in not receiving grant funding for the procurement and installation of the exhibits proposed for the Alviso Adobe interior renovation project.

California Environmental Quality Act: This project has an approved Mitigated Negative Declaration.

Fiscal Impact: An increased CIP project budget in an estimated amount of \$62,958 and those fund will be covered by this grant when it is approved.

Recommendations:

1. Adopt a resolution authorizing the City Manager to execute a grant agreement with Santa Clara County for the Alviso Adobe, Phase 5 Interior Restoration, Project No. 5055.
2. Approved a budget appropriation in an estimated amount of \$62,958 for the Alviso Adobe, Phase 5 Interior Restoration Project.

Attachments:

- a) Resolution
- b) Draft Agreement
- c) Budget Change Form

12. **Adopt a Resolution Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 98-1, Sinclair Horizon, Project No. 9493 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: Landscaping and Lighting Maintenance Assessment District No. 98-1 (LLMD 98-1) provides for the improvement and maintenance of public landscaping, irrigation, and

walking path adjacent to Sinclair Frontage Road, Los Coches Creek and Berryessa Creek abutting the Sinclair Horizon residential subdivision.

The Landscaping and Lighting Act of 1972 requires adoption of the subject resolution directing preparation of an annual engineer's report evaluating the LLMD District's maintenance and improvement costs. At subsequent meetings, Council will be asked to approve the completed engineer's report and schedule a public hearing for the proposed assessment in June. Upon Council's approval, the assessment for the maintenance and improvement work will be added to the 2018-19 property tax bills of the property owners within the boundaries of the District.

Fiscal Impact: None.

Recommendation: Adopt a resolution directing the preparation of the Annual Engineer's Report for LLMD No. 98-1 at Sinclair Horizon.

Attachment: Resolution

13. Adopt a Resolution Initiation Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation of the Annual Engineer's Report for Landscaping and Lighting Maintenance Assessment District No. 95-1, McCarthy Ranch, Project No. 9492 (Staff Contact: Steve Erickson, 408-586-3301)

Background: Landscaping and Lighting Maintenance Assessment District No. 95-1 (LLMD 95-1) provides for the improvement and maintenance of public landscaping, irrigation, and pedestrian lighting along portions of North McCarthy Boulevard and the Ranch Drive gateway between State Route 237 and Dixon Landing Road. In addition, the draft 2018-2023 Capital Improvement Program includes a project for the renovation and upgrade of portions of the LLMD District landscaping and irrigation systems.

The Landscaping and Lighting Act of 1972 requires adoption of a resolution directing preparation of the annual engineer's report evaluating the LLMD District maintenance and improvement costs. At subsequent meetings, the City Council will be asked to approve the completed engineer's report and schedule a public hearing for the proposed assessment in June. Upon Council's approval, the assessment for the maintenance and improvement work will be added to the 2018-19 property tax bills of property owners within the boundaries of the LLMD District.

Fiscal Impact: None.

Recommendation: Adopt a resolution directing the preparation of the Annual Engineer's Report for LLMD No. 95-1 at McCarthy Ranch.

Attachment: Resolution

14. Adopt a Resolution Directing Staff to Fly the Vietnamese Heritage and Freedom Flag at Cesar Chavez Plaza and Approve More than 4 Hours of Staff Time to Host a Flag Raising Ceremony (Council Contact: Anthony Phan, 408-586-3032; Staff Contact: Renee Lorentzen, 408-586-3409)

Background: Pursuant to Milpitas Municipal Code Section I-600-2.30(3), the City Council may, by resolution, direct City staff to display Commemorative Flags as an expression of the City's official sentiments by any of the following means: (i) display in lieu of the MIA/POW flag on one of the four City Hall Display Flag Poles located at the rear of City Hall adjacent to the pond, (ii) display in lieu of the flag of the State of California on one of the three flag poles located at Cesar Chavez Plaza, or (iii) display through ground level ceremonies at any

of the following locations at the Civic Center complex or the City of Milpitas Community Center:

- (1) City Hall Rotunda
- (2) Area adjacent to pond at City Hall
- (3) Cesar Chavez Plaza
- (4) City Council Chambers

Councilmember Anthony Phan has requested that City Council adopt a resolution directing staff to fly the Vietnamese Heritage and Freedom Flag on April 30, 2018 in the Cesar Chavez Plaza. According to Milpitas Municipal Code, commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days. Flying the Vietnamese Heritage and Freedom Flag will accompany the proclamation of the month of April as Vietnamese American Heritage Month in the City of Milpitas and if approved, a flag raising ceremony.

Fiscal Impact: None.

Recommendation: Adopt a resolution directing staff to fly the Vietnamese Heritage and Freedom Flag on April 30, 2018 in the Cesar Chavez Plaza and approve more than 4 hours of staff time to host a flag raising ceremony.

Attachment: Resolution

XVIII. REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies

XIX. ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING

TUESDAY, MARCH 20, 2018